IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION SUIT NO.659 OF 1992

Harendra V.Setalwad. ..Plaintiff.
Vs.
Mahanagar Telephone Nigam Ltd. and anr.
..Defendants.

None for the Plaintiff.
Mrs. S.I.Shah for the Defendant-MTNL.

CORAM : A.M.KHANWILKAR, J.
DATE : 25th October, 2007.

P.C.

1. None appears for the plaintiff.

2. The principal relief claimed in this suit is to make reference to Arbitration under Section-7B of the Indian Telegraph Act,1885, as the dispute pertains to excessive demand bill in relation to telephone charges.

3. In view of the mandate of Section-7B of the Act, as expounded by the Apex Court in the case of **Telecom District Manager,Goa and ors. Vs.V.S. Dempo & Co. and others. reported in A.I.R.1996 S.C.1545,** the relief claimed in terms of prayer clause (a) and (b) to refer the matter to Arbitration under Section 7B of the Act will have to be granted. For, it is imperative to make reference to the Arbitrator in relation to such dispute

within the meaning of Section-7B of the Act, which is a statutory remedy.

4. In the circumstances, the Central Government shall take immediate steps to notify the Arbitrator so as to try and decide the dispute raised by the plaintiff-subscriber in relation to excessive telephone charges which dispute is squarely covered by Section-7B of the Act. That be done within eight weeks from today. The counsel for the defendant-MTNL assures to inform the competent authority of the Central Government for taking necessary steps to notify the Arbitrator as required under Section-7B of the Act.

5. It is further observed that the Arbitrator so appointed by the Central Government shall conclude the arbitration proceeding not later than six months from the date when he enters upon the arbitration or the date on which the respective parties makes first appearance before him, whichever is earlier.

6. It is made clear that all issues raised in the present suit at the instance of either side shall be considered on merits in accordance with law in the arbitration proceedings.

7. In case, any interim order is already granted in

this suit, the same shall operate till the disposal of the arbitration proceeding or to be modified or varied by the Arbitrator, if and when such occasion arises.

8. The counsel for the defendant-MTNL assures to intimate the Advocate for the plaintiff as well as the plaintiff forthwith about the order passed today in this suit.

9. With these observations, suit is disposed. Refund as per rules.

(A.M. KHANWILKAR, J.)